THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 11551 of 1998

DATED: 06-06-2007

Between:

Shaik Khader

…Petitioner

and

Addl.Industrial Tribunal-cum-
Addl. Labour Court, rep. by its
Presiding Officer, Hyderabad and another

…Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.No. 11551 of 1998

Oral order:

This writ petition is by a Workman and is directed against the award of the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad, dated 3-12-1997 rejecting grant of relief in I.D.No.100 of 1996.

The petitioner filed a claim under Section 2-A (2) of the Industrial Disputes Act, 1947 (for short 'the Act') claiming that he was illegally terminated from service without following the due process of law.

According to the petitioner's claim he worked in the respondent hospital on initial induction on 15-5-1980 on daily wage basis as a Water Boy for 4 months; he was again employed on 12-11-1981 for a period of two months; and again on 6-11-1986 upto 27-12-1986 during the period of the N.G.Os. strike. After the strike was called off, he claims to have worked continuously for 9 months. In his claim petition, the petitioner also alleged that after having worked for 9 months subsequent to the calling off of the N.G.Os. strike, the respondent terminated his services on the ground that one Smt.Yadamma who had gone on leave had rejoined duty. He also claimed benefits under Section 25 F of the Act.

In rejecting the claim, the Additional Industrial Tribunal concluded that apart from a mere assertion that he had worked for 240 days in an year, the petitioner failed to establish such claim by any evidence. The Tribunal also held that the termination of the services of the petitioner who was a contract worker for a particular term, would

not amount to termination would or retrenchment, in transgression of the provisions of the Act.

On an analysis of the evidence on record, the Tribunal concluded that the petitioner had obtained appointment in a leave vacancy and had worked intermittently in a succession of leave vacancies with intervening breaks and that he failed to establish entitlement to the benefits under Section 25-F of the Act. The Tribunal rightly concluded that there was no illegal termination justifying grant of relief in exercise of jurisdiction under Section 2-A (2) of the Act.

This Court discerns no infirmity in the impugned award warranting interference. There are no merits.

The writ petition is accordingly dismissed. No order as to costs.

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GODA RAGHURAM, J

06-06-2007
GRR